IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) CENTURY SURETY COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Case No. 13-CV-386-C**
	)	
(2) SHAYONA INVESTMENT, LLC,	)	
	)	
Defendant.	)	

PLAINTIFF CENTURY SURETY COMPANY'S
ANSWER TO FIRST AMENDED COUNTERCLAIM

Plaintiff Century Surety Company, Inc., (hereinafter Century Surety), by and through its attorneys of record, answers and responds to the Counterclaim of Defendant Shayona Investment, LLC [Doc. #15]. (hereinafter Shayona), subject to amendment at the conclusion of all pretrial discovery, as follows, to wit:

1. Century Surety admits that it issued Policy CCP 736723 to Shayona Investment, LLC insuring the subject property as alleged in paragraph 1 of the counterclaim.

2. Century Surety lacks sufficient knowledge or information to admit or deny whether a vandalism occurred as alleged in paragraph 2 of the counterclaim, but admits that in reliance upon Defendant's representations, it issued a payment upon said claim.

3. Century Surety is without sufficient knowledge to admit or deny the allegations set forth in paragraph 3 of Shayona's counterclaim.

4. Century Surety denies the allegations set forth in paragraph 4 of the counterclaim.

5. Century Surety is without sufficient knowledge to admit or deny the allegations set forth in paragraph 5 of Shayona's First Amended Counterclaim and the same is therefore denied.

6. Century denies the allegations of paragraph 6 of the counterclaim.

7. Century Surety admits the allegations of paragraph 7 of the counterclaim that Shayona submitted a claim for hail damage and Century Surety has made payments as to said claim, but otherwise denies the allegations of said paragraph.

8. Century Surety admits that Century Surety Policy CCP 736723 contains a loss of business income clause; however, it denies that Shayona has complied with the policy requirements as to such a claim or that it suffered a loss to the extent which it claims, and therefor denies the allegations set forth in paragraph 8 of the counterclaim.

9. Century Surety admits the allegations set forth in paragraph 9 of the counterclaim that it has filed suit against Shayona and sought a declaration as to whether Shayona has breached the policy conditions concerning submission of false claim information, but otherwise denies the allegations of said paragraph.

10. Century Surety denies the allegations set forth in paragraph 10 of the counterclaim.

11. Century Surety denies the allegations set forth in paragraph 11 of the counterclaim.

AFFIRMATIVE DEFENSES

Century Surety, by way of further answer and affirmative defense, but not in diminution or derogation of the admissions and denials set forth herein above, and subject to amendment at the conclusion of all pretrial discovery, does allege and state as follows, to wit:

1. The First Amended Counterclaim fails to state a claim upon which this Court can grant relief.

2. Shayona failed to comply with conditions precedent and subsequent to recovery of the policy benefits to which it claims to be entitled.

3. Shayona breached the terms of the subject policy of insurance, by reason of which coverage as to the subject claim is voided.

4. Coverage for certain of the damages claimed by Shayona are limited or excluded by the terms of the subject insurance policy.

WHEREFORE, premises considered, Defendant Century Surety Company does respectfully pray that this honorable Court grant judgment for it and against Plaintiff Shayona, Inc., and discharge Plaintiff from this action with its costs, and for such other and further relief as the Court deems just and equitable.

Respectfully submitted,

s/Phil R. Richards

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ATTORNEYS FOR PLAINTIFF
CENTURY SURETY COMPANY

CERTIFICATE OF SERVICE

On June 20, 2013, I electronically transmitted Century Surety's Answer to Shayona's Counterclaim to the Clerk of Court using the ECF system for filing. Based on the electronic records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Rex Travis – RexTravis@TravisLawOffice.com
Paul Kouri – PaulKouri@TravisLawOffice.com

s/Phil R. Richards